.date: 06/04/2004

10791370 - Carl.

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

pplicant:

MICHELS ET AL:-

Examiner:

UNKNOWN

Serial No.:

10/791,370

Group Art Unit: Docket:

UNKNOWN

Filed:

MARCH 1, 2004

9748.117US01

Title:

DELIVERY SYSTEM AND METHOD

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, R.O. Box 450 on June 2 , 2004.

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

We are transmitting herewith the attached:

 □ Transmittal Sheet in duplicate containing Certificate of Mailing Information Disclosure Statement, Form 1449, 8 Reference(s)

Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

MERCHANT & GOULD P.C. P.O. Box 2903, Minneapolis, MN 55402-0903 612.332.5300

Name: Katherine M. DeV Reg. No.: 42,157 KDeVriesSmith:PLStov

/Catherine Witczak/ (09/30/2009)

Receipt date: 06/04/2004

N 10/791,370

PATENT

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Thereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 23313-1450 on June 2, 2004.

## INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.97(b))

Commissioner for Patents

P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner.

This statement should be considered because it is submitted before the mailing date of a first Office Action on-the-merits. Accordingly, no fee is due for consideration of the items listed on the enclosed Form 1449.

Copies of any foreign patent documents or "Other Documents" listed on the Form 1449 are enclosed, in accordance with 37 C.F.R. §1.98(a)(2). Because this application was filed after June 30, 2003, copies of the U.S. Patents and U.S. patent publications listed on the enclosed Form 1449 are not provided.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

/Catherine Witczak/ (09/30/2009)

Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

MERCHANT & GOULD P.C. P.O. Box 2903

Minneapolis, Minnesota 55402-0903 (612) 332-5300

.

Date: June 2, 2004

Katherine M. DeVries Smith

Reg. No. 42,157 KDS:PLStov

23552 PATENT TRADEMARK OFFIC

/Catherine Witczak/ (09/30/2009)

Date Mailed: June 2, 2004

Sheet 1 of 3

FORMATION DISCLOSURE STATEMENT

IN AN APPLICATION
(Use several sheets if necessary)

ts if necessary) Filing Date: 03/01/2004 Group Art Unit: UNKNOWN

| PADEMA              |              | υ          | .S. PATENT DOCUMEN | TS    |          |                               |
|---------------------|--------------|------------|--------------------|-------|----------|-------------------------------|
| EXAMINER<br>INITIAL | DOCUMENT NO. | DATE       | NAME               | CLASS | SUBCLASS | FILING DATE<br>IF APPROPRIATE |
| 1                   | 3,851,646    | 12/03/1974 | Sams               |       |          |                               |
|                     | 4,329,987    | 05/18/1982 | Rogers et al.      |       |          |                               |
|                     | 4,453,289    | 06/12/1984 | Kleykamp et al.    |       |          |                               |
|                     | 4,557,261    | 12/10/1985 | Rügheimer          |       |          |                               |
|                     | 4,672,979    | 06/16/1987 | Pohndorf           |       |          |                               |
|                     | 4,723,948    | 02/09/1988 | Clark et al.       |       |          |                               |
|                     | 4,744,788    | 05/17/1988 | Mercer, Jr.        |       |          |                               |
|                     | 4,826,477    | 05/02/1989 | Adams              |       |          |                               |
|                     | 4,892,518    | 01/09/1990 | Cupp et al.        |       |          |                               |
|                     | 5,053,015    | 10/01/1991 | Gross              |       |          |                               |
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|                     | 5,129,891    | 07/14/1992 | Young              |       |          |                               |
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EXAMINER /Catherine Witczak/ (09/30/2009) DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 60s, draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.

(Use several sheets if necessary)

10791370 - GAU: 3767

Group Art Unit: UNKNOWN

Date Mailed: June 2, 2004

| FORM 1449*        | INFORMATION DISCLOSURE STATEMENT | Docket Number:<br>9748.117US01 | Application Number: 10/791,370 |
|-------------------|----------------------------------|--------------------------------|--------------------------------|
| IN AN APPLICATION |                                  | Applicant: MICHELS ET AL.      |                                |

Filing Date: 03/01/2004

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| <br>5,941,823      | 08/24/1999 | Chait             |  | <br>                                    |
| <br>5,976,110      | 11/02/1999 | Greengrass et al. |  | <br>                                    |
| <br>5,989,239      | 11/23/1999 | Finch et al.      |  | <br>                                    |
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| <br>6,562,022 B2   | 05/13/2003 | Hoste et al.      | <del>  </del>                                    |   |
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|                    |            |                   |  | <br>                                    |
|                    |            |                   | <del>                                     </del> | <br>                                    |
| <br>               | <b></b>    |                   | <del>  -</del>                                   | <br>-                                   |
| <br>               |            | L                 |  |   |

EXAMINER /Catherine Witczak/ (09/30/2009)

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance

and not considered. Include copy of this form for next communication to the Applicant.

IN AN APPLICATION
(Use several sheets if necessary)

10791370 - GAU: 3767

Group Art Unit: UNKNOWN

Date Mailed: June 2, 2004

FORM 1449\*

| INFORMATION DISCLOSURE STATEMENT | Docket Number:<br>9748.117US01 | Application Number:<br>10/791,370 |  |
|----------------------------------|--------------------------------|-----------------------------------|--|
| IN AN APPLICATION                | Applicant: MICHELS E           | ET AL.                            |  |

Filing Date: 03/01/2004

|               | FOR   | EIGN PATENT DOCUM           | IENTS           |              |             |    |  |
|---------------|---|-----------------------------|-----------------|--------------|-------------|----|--|
| DOCUMENT      | O. DATE   | COUNTRY                     | CLASS           | SUBCLASS     | TRANSLATION |    |  |
|               |   |                             |                 |              | YES         | NO |  |
| 0 564 321 A2  | 10/06/1993  | EP                          |                 |              |             | Х  |  |
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|               | Abstract submitted to Society for Interventional Radiology in October 2003, "In vivo evaluation of the microcatheter arterial port system for regional therapy"   page  |                             |                 |              |             |    |  |
|               | "FDA Premarket Notification Database Information for Port-A-Cath II Regional Arterial Portal System and Summary," http://www.accessdata.fda.gov, 2 pages and 7 pages (available at least as early as February 27, 2004)   |                             |                 |              |             |    |  |
|               | Waggershauser, T. et al., "Percutaneous Implantation of Port-Catheter Systems for Intra-Arterial Chemotherapy of the Liver," <i>Der Radiologe</i> , Vol. 39, No. 9, pp. 772-776 (1999) - (English Translation included)   |                             |                 |              |             |    |  |
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